

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

NAUTILUS INSURANCE COMPANY

Plaintiff,

v.

DIMENSION GENERAL
CONSTRUCTION LLC

Defendant.

CIVIL ACTION

No. 2:24-cv-02920

**NAUTILUS INSURANCE COMPANY’S MOTION FOR DEFAULT JUDGMENT
AGAINST DEFENDANT DIMENSION GENERAL CONSTRUCTION LLC**

Pursuant to Federal Rule of Civil Procedure 55(b)(2), Plaintiff Nautilus Insurance Company (“Nautilus”) hereby moves the Court for entry of a default judgment against Defendant Dimension General Construction LLC (“Dimension”) in the above-referenced action. In support of this Motion, Nautilus submits the accompanying Memorandum of Law, together with the exhibits attached thereto.

Default was entered by the Clerk against Dimension on November 4, 2024. For the reasons set forth in the accompanying Memorandum of Law (and in Nautilus’s Complaint, the facts of which have been admitted by Dimension due to its failure to file an Answer or otherwise respond), Nautilus is now entitled to both: (1) a judicial declaration that it has no duty to defend or indemnify Dimension in the actions captioned *Guido’s Express Inc. a/k/a Key Pizza v. Stefanos Haviaras, et al.*, Case No. 221202637, Pennsylvania Court of Common Pleas, Philadelphia County, and *Seneca Insurance Co. as subrogee of The Haviaras Family v. 2331 E. York LLC, et al.*, Case No. 2:23-cv-02137, U.S. District Court, Eastern District of Pennsylvania, and (2) a judicial declaration that the commercial lines insurance policy Nautilus issued to Dimension, bearing policy number

NN1410590, is void *ab initio*, and thus that Nautilus may therefore rescind the Nautilus Policy and that Nautilus has no duty to defend, indemnify or provide any other benefit to Dimension (or any other actual or putative insured) under the Nautilus Policy.

Respectfully submitted,
POST & SCHELL, P.C.

Date: Jan. 6, 2025

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